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PATENT

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

**Applicant:** Gredley, Sarah

**Serial No.:** 10/521,139

**Filing Date:** 12 January 2005

**For:** Picture Frame

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**RENEWED PETITION UNDER 37 CFR § 1.137(b)**

Mail Stop PCT  
Commissioner for Patents  
Office of PCT Legal Administration  
Post Office Box 1450  
Alexandria, Virginia 22313-1450

**Attention:** Office of PCT Legal Administration

Sir:

Applicant respectfully submits with this cover letter a renewed petition requesting reconsideration of her petition under 37 C.F.R. § 1.137(b) to revive PCT application PCT/GB03/02228 for priority benefit for the above-captioned continuation application.

A petition to revive was filed on January 12, 2005. It was filed again based on a call to the Office of Petitions on August 4, 2005 during which the original petition to revive was said to have been misplaced and a second submission was requested. The petition was dismissed in a Decision on Petition mailed on January 4, 2006. This renewed petition is being filed within two months from the mail date of the Decision on Petition. As instructed in the Decision on Petition, this renewed petition is being sent to the mailing address: Mail Stop PCT, Commissioner for Patents, Office of PCT Legal Administration, P.O. Box 1450,

Alexandria, Virginia 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration.

The accompanying renewed petition requesting reconsideration of the petition under 37 C.F.R. § 1.137(b) to revive PCT application PCT/GB03/02228 includes a Declaration by the inventor-applicant, Sarah Gredley, showing that the entire delay in filing the above-captioned application was unintentional.

Also submitted herewith is a Preliminary Amendment and Request for Priority Benefit.

Also submitted herewith is a substitute specification in which the specification is amended to recite:

“This application is a continuation of PCT application number PCT/GB03/02228 filed on May 21, 2003, which application claimed priority of UK Patent Application No. GB 0211893.3, filed on 23 May 2002. The PCT application designated the United States and was published in the English language on 4 December 2003 as WO 03/099078.”

In addition, the priority benefit of PCT/GB03/02228 was claimed in accordance with 37 CFR 1.78(a)(2) in the Application Data Sheet included with the original filing papers for this application.

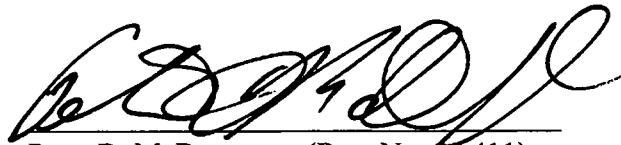
Also submitted herewith is an Amended Application Data Sheet identifying this application as a continuation of PCT/GB03/02228.

In view of these submittals and the original petition now amplified and clarified by the accompanying renewed petition requesting reconsideration on the merits, including the

Declaration showing that the entire delay in filing the above-captioned application was unintentional, Applicant submits that she has complied with the provisions of 37 CFR § 1.137(b) and respectfully requests revival of PCT application PCT/GB03/02228 for priority benefit for the above-captioned continuation application.

The Decision on Petition states that no additional petition fee is required for this request for reconsideration. A telephone call is requested if any additional fee is required.

Respectfully submitted,



Dated: 6 March 2006

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Enclosures:

- 1) Request for Reconsideration - Renewed Petition to Revive Unintentionally Abandoned Application Under 37 CFR § 1.137(b)
- 2) Preliminary Amendment and Request for Priority Benefit

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

**Applicant:** Gredley, Sarah  
**Serial No.:** 10/521,139  
**Filing Date:** 12 January 2005  
**For:** Picture Frame

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**REQUEST FOR RECONSIDERATION****RENEWED PETITION TO REVIVE AN UNINTENTIONALLY  
ABANDONED APPLICATION UNDER 37 CFR § 1.137(b)**

Mail Stop PCT  
Commissioner for Patents  
Office of PCT Legal Administration  
Post Office Box 1450  
Alexandria, Virginia 22313-1450

Attention: Office of PCT Legal Administration

Sir:

Applicant respectfully requests reconsideration of her petition under 37 C.F.R. § 1.137(b) to revive PCT application PCT/GB03/02228 for priority benefit for the above-captioned continuation application. The PCT application was unintentionally abandoned on November 23, 2004 without having filed the continuation application. The continuation application was filed on 12 January 2005.

This request for reconsideration and renewed petition is supported by a Declaration of the applicant-inventor, Sarah Gredley. The Declaration is included as Attachment A to this paper.

Applicant respectfully petitions to revive the above-captioned unintentionally abandoned application under 37 C.F.R. § 1.137(b). To satisfy the requirements of 37 C.F. R. § 1.137(b), applicant:

- (1) submitted the above captioned application on 12 January 2005, including an application data sheet making a claim to priority benefit of PCT/GB03/02228;
- (2) submits herewith a Preliminary Amendment And Request for Priority Benefit, presenting a substitute specification for the above captioned application, another claim to priority benefit of PCT/GB03/02228 and certain claim amendments;
- (3) authorized the Commissioner in the original Petition to charge the requisite fee for this petition to a Deposit Account; and
- (4) submits the above mentioned Declaration of the applicant-inventor, Sarah Gredley, and the following explanatory remarks showing that the entire delay in filing was unintentional.

The Decision on Petition indicates that of the four requirements for granting this petition, requirements Nos. 2 and 4 have been satisfied, specifically, the petition fee has been paid and no terminal disclaimer is required. Requirement No. 1, the required reply, is satisfied by the accompanying papers filed herewith, whereby the application is unequivocally established as a continuation of PCT/GB03/02228. Finally, the last requirement, a statement that the entire delay in filing required reply from the due date

until the filing of the petition was unintentional is established by the following remarks and the supporting Declaration by the inventor-applicant, Sarah Gredley.

Accordingly, applicant respectfully requests grant of this renewed petition in view of the following:

1. Applicant filed PCT application PCT/GB03/02228 on 23 May 2003 claiming the benefit of prior British patent application number 0211893.3 filed 23 May 2002. (See PCT/GB03/02228.)
2. The PCT application was in English and designated the United States. (See PCT/03/02228.)
3. The PCT application was prepared and filed for the applicant in Great Britain by the Barker Brettell firm. (See PCT/03/02228.) The Barker Brettell firm timely requested instruction from the Applicant with respect to initiating national phase applications corresponding to PCT application PCT/GB03/02228. (Gredley Declaration, paragraph 3.)
4. The Applicant indicated to Barker Brettell in a telephone conversation on 30 September 2004 that she was interested in proceeding with patent protection for the invention of the subject application in at least in Europe and the United States. (Gredley Declaration, paragraph 4.)
5. Barker Brettell proceeded to provide the applicant with an indication of the costs involved with proceedings in Europe and the United States and requested that the applicant confirm the countries required and provide an upfront payment for the work. (Gredley Declaration, paragraph 5.)

6. The applicant had moved to be living overseas in Portugal rather than in the UK, and she was finding the transition stressful and the business and financial situation quite different to that in the UK. (Gredley Declaration, paragraph 6.) Certainly, it can be recognized that moving a business and residence to a new location, especially moving to a new country with a different language and culture, is disorienting and can cause confusion and disruption in even the most organized households and businesses.

7. The above-mentioned priority document, specifically, British patent application number 0211893.3 was the first patent application that applicant had filed and, therefore, she was not very familiar with the patent system. (Gredley Declaration, paragraph 7.) In this regard, it can be reasonably requested that the US Patent and Trademark Office recognize that patent application proceedings, especially international application proceedings, are highly complex and can be bewildering for those not routinely immersed in the numerous rules, regulations, statutes and practices of the patent world.

8. Under the stressful circumstances of her new country, and in view of her relative inexperience of the patent system, the applicant failed to appreciate that the deadline that had been indicated to her by Barker Brettell was an absolute final deadline for filing national phase applications corresponding to the PCT application. (Gredley Declaration, paragraph 8.) Noteworthy in this respect are the different deadlines for national phase filings applied by different countries and, more generally, the routine availability of extensions of time in other aspects of patent prosecution proceedings. Especially in view of the disorientation and disorganization naturally resulting from a move to a new country, a new language and a new culture, it must be seen as

understandable, that a neophyte such as the present applicant would fail to appreciate that a patent deadline was an absolute final deadline as opposed to an expendable deadline. Thus, applicant's statement in the attached Declaration, that she failed to appreciate that the deadline that had been indicated to her by Barker Brettell was an absolute final deadline for filing national applications, strikes a resonant chord of human understanding. (Gredley Declaration, paragraph 8.)

9. The applicant, therefore, did not instruct Barker Brettell to proceed with any national phase applications by 23 November 2004 as she was busy and stressed with business matters and stressed also by her temporary low finances, and under such stress did not realize that failure to instruct Barker Brettell by this date would lead to a complete loss of her patent rights. (Gredley Declaration, paragraph 9.)

10. But applicant always intended to proceed with the national phase application in the United States derived from her international patent application PCT/GB03/02228, as shown by her having indicated to Barker Brettell in a telephone conversation on 30 September 2004 that she was interested in proceeding with patent protection for this invention in at least Europe and United States. (Gredley Declaration, paragraphs 4, 10.) And the failure to take the necessary action to file such application by the deadline of 23 November 2004 was unintentional and due to a mistaken belief that the US national phase application could still be filed later. (Gredley Declaration, paragraph 10.)

11. The undersigned promptly prepared the original petition to revive the PCT application and concurrently filed a corresponding U.S. continuation application. The



present request for reconsideration and renewed petition to revive was prepared and filed within the two-month time period specified in the Decision a Petition.

In view of the above, applicant submits that she has complied with the provisions of 37 CFR § 1.137(b) and respectfully requests revival of the above-captioned application, which was unintentionally abandoned on 27 November 2004.

Respectfully submitted,

Dated: 6 March 2006



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Enclosures: Declaration of Sarah Gredley